

Rec'd 10/5/98 3:00 p.m.  
A. Peter Bragg

ORIGINAL

# FEDERAL COMMUNICATIONS COMMISSION

---

In Re Applications of:	) MM Docket No. 97-128
	)
Martin Hoffman,	) File No. BRCT-881201LG
Trustee-in-Bankruptcy For	)
Astroline Communications	)
Company Limited Partnership	)
	)
SHURBERG BROADCASTING OF HARTFORD	) File No. BPCT-831292KF
	)
For Construction Permit for a New	)
Television Station to Operate on	)
Channel 18, Hartford, Connecticut	)

*Volume 1*

Pages: 1 through 189

Place: Washington, D.C.

Date: September 23, 1998

---

## HERITAGE REPORTING CORPORATION

*Official Reporters*  
1220 L Street, NW, Suite 600  
Washington, D.C.  
(202) 628-4888

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

In Re Applications of:	)	MM Docket No. 97-128
	)	
Martin Hoffman,	)	File No. BRCT-881201LG
Trustee-in-Bankruptcy For	)	
Astroline Communications	)	
Company Limited Partnership	)	
	)	
SHURBERG BROADCASTING OF HARTFORD	)	File No. BPCT-831202KF
	)	
For Construction Permit for a New	)	
Television Station to Operate on	)	
Channel 18, Hartford, Connecticut	)	

Courtroom 2  
FCC  
2000 L Street, N.W.  
Washington, D.C.

Wednesday,  
September 23, 1998

The parties met, pursuant to the notice of the  
Judge.

BEFORE: HON. JOHN M. FRYSIK  
Administrative Law Judge

APPEARANCES:

For Shurberg Broadcasting of Hartford:

HARRY F. COLE, ESQ.  
Bechtel & Cole, Chartered  
1901 L Street, N.W., Suite 250  
Washington, D.C. 20036  
(202) 833-4190

Heritage Reporting Corporation  
(202) 628-4888

## APPEARANCES (Cont'd):

For Martin W. Hoffman, Trustee in Bankruptcy:

PETER D. O'CONNELL, ESQ.  
Wiley, Rein & Fielding  
1776 K Street, N.W.  
Washington, D.C. 20006  
(202) 429-3350

For the Intervenor, Richard P. Ramirez:

KATHRYN R. SCHMELTZER  
Fisher, Wayland, Cooper, Leader & Zaragoza, L.L.P.  
2001 Pennsylvania Avenue, N.W., Suite 400  
Washington, D.C. 20006-1851  
(202) 775-3547

For Two If By Sea Broadcasting:

HOWARD A. TOPEL, ESQ.  
Fleischman & Walsh, L.L.P.  
1400 16th Street, N.W.  
Washington, D.C. 20036  
(202) 939-7900

For the FCC-Bureau:

CATHERINE M. WITHERS  
JAMES W. SHOCK  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street, N.W.  
Washington, D.C. 20554  
(202) 418-1430

C O N T E N T S

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
<u>For Martin Hoffman,</u> <u>Trustee in Bankruptcy:</u>					
Martin Hoffman	166	171			

E X H I B I T S

<u>SHURBERG EXHIBITS:</u>	<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>DESCRIPTION</u>
1	20	23	
2	23	24	
3	25	25	
4	25	26	
5	26	27	
6	27	28	
7	28	29	
8	30		
9	31	31	
10	32		
11	32		
12	33	33	
14	35	35	
15	36	37	
16	38	38	
17	39	39	
18	40	40	
19	41	43	
20	43	44	
21	44	45	
22	46	48	
23	48	49	

Heritage Reporting Corporation  
(202) 628-4888

<u>SHURBERG EXHIBITS:</u>	<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>DESCRIPTION</u>
24	49	50	
25	50	51	
26	51	52	
27	52	53	
28	53	54	
29	54	56	
30	57	60	
31	61	61	
32	62	64	
33	64	67	
34	68	70	
35	71		
36	71	72	
37	72		
38	73	73	
39	74	74	
40	75	75	
41	76		
42	76		
43	77	w/drawn	
44	78	78	
45	79		
46	79	80	

Heritage Reporting Corporation  
(202) 628-4888

<u>SHURBERG EXHIBITS:</u>	<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>DESCRIPTION</u>
47	80		
48	81		
49	81		
50	82	82	
51	83	84	
52	84	85	
53	85	86	
54	86		
55	87		
56	87	87	
57	89		
58	89	90	
59	90	91	
60	91		
61	92	92	
62	93		
63	94	94	
64	95	96	
65	96		
66	97	97	
67	98		
68	98		
69	99		

Heritage Reporting Corporation  
(202) 628-4888

<u>SHURBERG EXHIBITS:</u>	<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>DESCRIPTION</u>
70	100		
71	100	101	
72	101		
73	102		
74	103	103	
75	103	105	
76	105		
77	106		
78	106		
79	107		
80	107		
81	108		
82	109	110	
83	110	111	
84	112	113	
85	113	114	
86	114	115	
87	116		
88	117	117	
89	118		
90	118	119	
91	120	120	
92	121		

Heritage Reporting Corporation  
(202) 628-4888



<u>SHURBERG EXHIBITS:</u>	<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>DESCRIPTION</u>
93	121		
94	122		
95	122		
96	123		
97	123	124	
98	125	126	
99	126	w/drawn	
100	128	128	
101	129	129	
102	130	130	
103	131	131	
104	132	132	
105	133	133	
106	135	135	
107	136	136	
108	136	137	
109	137	138	
110	138	139	
111	139	140	
112	140	141	
113	141	142	
114	142	143	
115	143	144	

Heritage Reporting Corporation  
(202) 628-4888

<u>SHURBERG EXHIBITS:</u>	<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>DESCRIPTION</u>
116	144	144	
117	145		
118	145		
119	146	146	
120	147	147	
121	148		
122	148	149	
123	149	150	
124	150	150	
125	151	151	
126	152	152	
127	152	153	
128	153	154	
129	154	154	
130	155	155	
131	156	156	
132	156	157	
133	158		
134	158		
135	159		
136	159	160	
137	160	161	
138	161	162	

Heritage Reporting Corporation  
(202) 628-4888

SHURBERG  
EXHIBITS:

IDENTIFIED   RECEIVED   DESCRIPTION

139

162

163

140

164

164

141

165

165

<u>TRUSTEE EXHIBITS:</u>	<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>DESCRIPTION</u>
1	167	171	
3	181	182	
4	183	183	
5	183	184	

P R O C E E D I N G S

1 JUDGE FRYSIK: All right. Renewal for Hartford,  
2 Connecticut. Let me just check to see whether we're all  
3 present.

4 MR. COLE: Your Honor, on behalf of Shurberg  
5 Broadcasting of Hartford, I'm Harry Cole of the law firm of  
6 Bechtel & Cole.

7 MR. SHOCK: James Shock and Catherine Withers on  
8 behalf of the Chief Mass Media Bureau.

9 MR. O'CONNELL: On behalf of Martin W. Hoffman,  
10 Trustee-in-Bankruptcy for Astroline Communications Company  
11 Limited Partnership, Peter O'Connell, Wiley, Rein & Fielding  
12 and Martin W. Hoffman, Trustee-in-Bankruptcy.

13 MR. TOPEL: On behalf of Two If By Sea  
14 Broadcasting, Howard Topel.

15 MS. SCHMELTZER: On behalf of Richard P. Ramirez,  
16 Kathryn Schmeltzer of Fisher, Wayland, Cooper, Leader &  
17 Zaragoza.

18 JUDGE FRYSIK: All right. Are we ready to  
19 proceed?

20 MR. COLE: I believe so, Your Honor.

21 JUDGE FRYSIK: Okay. Who --

22 MR. COLE: Let me raise your preliminary report on  
23 a couple of things, first, Your Honor, before I get into the  
24 documentary exhibits.

1           First, with respect to the Shurberg witnesses in  
2   our informal, off-the-record conference on Friday, I had  
3   indicated to Your Honor and the other parties that I would  
4   be distributing to everyone copies of the deposition  
5   transcripts of Dale Harburg, Linda Bocchi and David Dudley  
6   this week. And I did that yesterday afternoon by hand. So,  
7   everyone should now have copies. And I have marked those,  
8   at least preliminarily, as Exhibits 139, 140 and 141 for  
9   Shurberg.

10           That leaves two live witnesses unaccounted for on  
11   the Shurberg list which should be Mr. Bacon, a lawyer up in  
12   Boston and Mr. Hart. I spoke with Mr. Bacon's counsel, and  
13   I gather the joint parties have as well. I have conferred  
14   with them. Mr. Bacon's counsel in Boston -- he has been  
15   served, by the way, as of yesterday afternoon with a  
16   subpoena.

17           Mr. Bacon's counsel has indicated that Mr. Bacon's  
18   not available because of his own schedule to come down to  
19   Washington this week. He is checking about next week and we  
20   -- I gather from Mr. O'Connell that they've suggested Monday  
21   as a possibility, and they're looking at Monday afternoon or  
22   Monday sometime.

23           An alternative that Mr. Bacon's counsel suggested  
24   to me was speakerphone appearance, and I've raised that with  
25   the other parties. And apparently, the sense of everyone is

1     that it would be preferable to have Mr. Bacon here in  
2     person. So, I will not address the speakerphone option  
3     further unless anyone disagrees with that. And we will make  
4     arrangements to have Mr. Bacon get down here. I'll speak  
5     with him during lunchbreak. And so, that would take care of  
6     that.

7             As far as Mr. Hart is concerned, Mr. Hart was  
8     served on Monday evening with a subpoena. Whether or not he  
9     -- he has not contacted me. I faxed him a note on Friday  
10    afternoon alerting him to the fact that he would be  
11    subpoenaed and asked him to call me to make arrangements.  
12    He did not call. I subpoenaed him. I'm advised, at the  
13    risk of having everyone jump up and down as they did on  
14    Friday, I will state for the record that my process server  
15    has indicated that again Mr. Hart declined service on Monday  
16    at his office advising the process server at that point --  
17    and I have a written statement from him just to support my -  
18    - what I'm saying.

19            Something to the effect that he would not accept  
20    the subpoena, but that he was going to call counsel to work  
21    things out, which would resolve the matter. He did not call  
22    me. At ten o'clock at night he was served at his home. At  
23    that point, according to the process server, Mr. Hart  
24    remarked to the process server, "I told you that I wasn't  
25    coming." Now, whether or not he's going to come or not, I

1 do not know at this point. He has not called me since then.

2 But he is under subpoena. The subpoena indicates  
3 the time of this afternoon at 1:30, but there was a note  
4 attached to it indicating that because we would be  
5 introducing exhibits and so forth, it was not entirely clear  
6 what the precise start time would be. And that he should  
7 call me to make appropriate arrangements because I did not  
8 want to inconvenience him.

9 As I say, I have not heard from Mr. Hart. So,  
10 that is the status of my witnesses right now. I'll work on  
11 getting him here, but there's not much more I can do if he's  
12 been served and he ignores the subpoena.

13 MS. SCHMELTZER: Your Honor, with respect to Mr.  
14 Hart, and let me address that first. We would note that Mr.  
15 Hart was deposed for four-and-a-half hours by Mr. Cole. And  
16 there is extensive deposition testimony from Mr. Hart, and  
17 we would have no objection to placing his deposition  
18 testimony on the record in lieu of calling him as a live  
19 witness.

20 MR. COLE: I would be willing to consider that as  
21 an option, Your Honor, but my own preference would be to  
22 have Mr. Hart here. There are some things I would like to  
23 explore with him, again, go over, because at the deposition,  
24 he specifically closed out the deposition by saying that his  
25 testimony as of that day was based only on his minimal



1 opportunity to review the documents which had been presented  
2 to him, but that his recollection might be better if he had  
3 more opportunity. And he walked out with that statement.

4 I think it's at least fair to conclude that  
5 there's a possibility he might remember more now than he did  
6 then. He did not remember very much then. But you know,  
7 what I would propose is that I can contact Mr. Hart again  
8 and see what his schedule is, see when we can get him in  
9 here, see how much of a pain it's going to be. If it would  
10 really delay or disrupt the flow of the hearing to insist on  
11 his presence, then obviously, introducing the deposition is  
12 an option. We have the transcript and we could put that in.  
13 But my own preference would be to put him on as a live  
14 witness.

15 MS. SCHMELTZER: Your honor, I also would like to  
16 address Mr. Cole's remarks about the depositions of the  
17 three individuals that he has -- well, intends to introduce  
18 as exhibits. And that's Ms. Bocchi, Ms. Harburg and Mr.  
19 Dudley.

20 My understanding is that Mr. Cole intends to  
21 introduce these depositions to authenticate documents. We  
22 feel that in large part, these depositions do not  
23 authenticate the documents, and therefore, we would like a  
24 schedule of the documents that would be authenticated by  
25 each witness and the place in the deposition where these

1 witnesses purportedly authenticate the documents, so that we  
2 can reach an agreement on whether or not these documents --  
3 these depositions actually do authenticate the documents.

4 MR. COLE: Your Honor, I'm prepared to do that.  
5 My -- if I can jump ahead to what my next itemized list --  
6 my next item on my list was, what I anticipate doing this  
7 morning is, identifying for the record all of Shurberg's  
8 exhibits.

9 And to the extent that they are, at least in our  
10 view, subject to a stipulation or subject -- or previously  
11 authenticated in one way or another, offer them into  
12 evidence so that we can, in fact, compile a record as of  
13 this morning, leaving open or not offering those documents  
14 which are not subject to a stipulation but which we'll need  
15 live testimony. And I'm prepared with respect to each item  
16 that would be supported by one of the deposition  
17 transcripts, to point out to the parties or point the page  
18 references within the transcript so that they may double-  
19 check and confirm to their satisfaction that these documents  
20 have been authenticated.

21 JUDGE FRYSIK: All right. Okay. Nothing  
22 further, you may begin.

23 MR. COLE: Oh. One last thing, Your Honor, my  
24 understanding -- Mr. Hoffman is here today, and I understand  
25 he would be available for cross-examination if Mr. Hart

1 doesn't show up. My understanding also is, and Ms.  
2 Schmeltzer can probably address this, that Mr. Ramirez is  
3 available tomorrow -- is coming in tomorrow, would be  
4 available sometime tomorrow afternoon.

5 MS. SCHMELTZER: No, he will be available first  
6 thing in the morning.

7 MR. COLE: Okay.

8 MS. SCHMELTZER: And as a matter of fact, I'd like  
9 to actually have the hearing commence a little bit earlier  
10 tomorrow morning if possible.

11 MR. COLE: No objection on our front. And do you  
12 know when Mr. Davenport would be available?

13 MS. SCHMELTZER: And Mr. Davenport will be here at  
14 10:30 on Monday morning.

15 JUDGE FRYSIK: Monday?

16 MS. SCHMELTZER: Yes.

17 MR. COLE: So, if we schedule Mr. Bacon, it should  
18 be to the afternoon on Monday, if possible, presumably?

19 MS. SCHMELTZER: Right. Or Thursday's another  
20 possibility for Mr. Bacon, I believe. I'm not absolutely  
21 sure about that.

22 MR. COLE: Do you mean tomorrow or Thursday next  
23 week?

24 MS. SCHMELTZER: Thursday next week.

25 MR. COLE: Okay. I will check with him. Do you

1 know how long Mr. Davenport -- you're expecting to take Mr.  
2 Davenport on direct?

3 MS. SCHMELTZER: Not that long. I mean, I don't  
4 see why we can't finish Mr. Davenport before lunch  
5 assuming -- we may -- it may be a late lunch, but we should  
6 be able to finish him.

7 MR. COLE: That's fine. Okay. I have nothing  
8 further.

9 JUDGE FRYSIK: Continue.

10 MR. COLE: Thank you, Your Honor. Your Honor, I  
11 have provided the court reporter with two copies of a set of  
12 exhibits totalling in number, 141. I have previously  
13 exchanged copies of these exhibits with the other parties  
14 and provided Your Honor a copy.

15 Just so we'll know for reference purposes, they  
16 are divided into five separate loose-leaf notebooks, each  
17 marked on the outside with labels. And they're also color-  
18 coded, so during the course of the examination to the extent  
19 we refer to a gray notebook, a red notebook, a white  
20 notebook, you will know what we're talking about. But  
21 everyone has the same color-coding on their notebooks. And  
22 as I say, I provided two copies to the reporter.

23 And let me start off by -- oh. Mr. O'Connell  
24 mentioned to me, and I gather he had heard from Ms.  
25 Schmeltzer a question about pagination. And I will admit

1     that I have -- I neglected to paginate separately my  
2     documents. That is, to have a Bates-stamp or other  
3     pagination.

4             I'm not sure that it's going to be burdensome on  
5     the parties, but to the extent that it becomes a problem,  
6     I'm very happy to either take back everybody's sets and have  
7     them paginated in my office or have a member of my staff who  
8     will paginate them here, or possibly even come up with some  
9     sort of stickers so they can paginate themselves to their  
10    heart's content. But I would propose that I will take care  
11    of pagination if it becomes a problem, and I apologize to  
12    the Court and to the parties for that.

13            But having said that, let me ask to have marked  
14    for identification Shurberg Exhibit Number 1, which is a  
15    three-page document consisting of one -- first two pages --  
16    the first page is entitled "Astroline Communications Company  
17    Limited Partnership Organization Documents." And the third  
18    page is entitled "Astroline Communications Company Limited  
19    Partnership Record of Ownership." And I would like that  
20    marked as Exhibit 1, please.

21            JUDGE FRYSIK: It may be marked.

22                           (The document referred to was  
23                           marked for identification as  
24                           Shurberg Exhibit 1.)

25            MR. COLE: And this, Your Honor, is subject to the

1 stipulation of the parties. I believe I've indicated in the  
2 index -- and by the way, I should also point out just for  
3 the record that in the index to the exhibits which appears  
4 in everyone's notebooks, there is a list of sponsoring  
5 witness, or there's a list calling for sponsoring witness in  
6 which I have put stipulation references, that is to the  
7 extent that they appear to be documents taken from the  
8 Bankruptcy Court exhibits. I've indicated what number of  
9 exhibit in the bankruptcy proceeding they appear and for  
10 ease of reference.

11 And this -- these two documents -- the first two  
12 pages appeared as Bankruptcy Exhibit Number 165. The third  
13 page appeared as Bankruptcy Exhibit Number 157. And I would  
14 offer that into evidence on that basis.

15 JUDGE FRYSIK: Hearing no objections, Exhibit 1  
16 is received.

17 MS. SCHMELTZER: Your Honor, I didn't get a  
18 chance. I just have -- I have a couple of comments on this.  
19 I don't know who prepared the first two pages of this  
20 exhibit. And I would just note that Mr. Cole has not  
21 attached to this exhibit all of the documents that are  
22 referenced on the first two pages. Many of them -- maybe,  
23 perhaps all of them are elsewhere in the exhibits, but  
24 they're not attached to this particular exhibit.

25 MR. COLE: Well, Your Honor, I was stuck with what

1 I was given in discovery. This was a stand-alone document  
2 in discovery. And as I reviewed it, it appeared to be a  
3 road map. I do not know who prepared it. I suspect it was  
4 prepared by Peabody & Brown in Boston, but I do not know  
5 that for a fact. But it did appear to me to be a reasonably  
6 detailed road map to the organization documents within  
7 Astroline, and therefore, I thought it would be an  
8 appropriate kind of starting point for us to work from.

9 Ms. Schmeltzer correctly points out that I have --  
10 that a number of the documents which are listed here appear  
11 elsewhere in my exhibits, mainly in the gray notebook Volume  
12 1, because what I was trying to do was to get as many of  
13 these documents that I could find, put them all in one place  
14 and have a gray notebook which consisted of the Astroline  
15 organization documents.

16 We could all refer to that as the Organization  
17 Documents. And this is just almost in the nature of a table  
18 of contents more than anything else. But since it came from  
19 the bankruptcy proceeding, I thought it would be at least  
20 somewhat reliable for that purpose, certainly more reliable  
21 than my making up a list.

22 MS. SCHMELTZER: Your Honor, without conceding  
23 that these are all of the organization documents, and with  
24 the caveat that we did -- it was exchanged in discovery, a  
25 copy of this document with documents attached; I have no

1 objection.

2 JUDGE FRYSIK: All right. Shurberg Number 1 is  
3 received.

4 (The document referred to,  
5 having been previously marked  
6 for identification as Shurberg  
7 Exhibit 1, was received in  
8 evidence.)

9 MR. COLE: Thank you, Your Honor. Your Honor, I  
10 would like to have marked for identification as Shurberg  
11 Exhibit Number 2 a document which is 29 pages in length.  
12 The first page is entitled "Astroline Communications Company  
13 Limited Partnership Agreement and Certificate." It bears  
14 a -- what appears to be a "received" stamp from the  
15 Secretary of State of the Corporation Division in the upper  
16 right-hand corner dated May 29, 1984.

17 And I would like to have that marked as Shurberg  
18 Exhibit Number 2, please.

19 JUDGE FRYSIK: It may be marked.

20 (The document referred to was  
21 marked for identification as  
22 Shurberg Exhibit 2.)

23 MR. COLE: Thank you. Your Honor, this was -- I  
24 believe this is the original Astroline Partnership  
25 Agreement. And it appears, and Ms. Schmeltzer can certainly



1 correct me if I'm wrong. I believe it appears in the Joint  
2 Exhibits. When I refer to Joint Exhibits, I mean the  
3 exhibits exchanged on behalf of Mr. Hoffman, Mr. Ramirez and  
4 Two If By Sea Broadcasting. Joint Exhibits Number 2,  
5 Appendix E. And I believe that these are the same  
6 documents.

7 And on that basis, I offer this into evidence as  
8 Shurberg Exhibit Number 2.

9 MS. SCHMELTZER: No objection.

10 JUDGE FRYSIK: Received.

11 (The document referred to,  
12 having been previously marked  
13 for identification as Shurberg  
14 Exhibit 2, was received in  
15 evidence.)

16 MR. COLE: Thank you, Your Honor. Your Honor,  
17 moving right along; I'd like to have identified for the  
18 record as Shurberg Exhibit Number 3, a two-page document  
19 entitled on the first page, "Assignment and Assumption  
20 Agreement." And bearing the signatures on the second page  
21 are Fred J. Boling, Jr. and Thelma N. Gibbs.

22 This is a document which I believe relates to the  
23 acquisition of an ownership interest in Astroline by Ms.  
24 Gibbs. And I believe this is one of the documents which is  
25 referred to on page 1 of Shurberg Exhibit Number 1.

1 I'd like to have this marked as Shurberg Exhibit  
2 3, please.

3 JUDGE FRYSIK: It may be marked.

4 MR. COLE: Thank you.

5 MS. SCHMELTZER: No objection.

6 JUDGE FRYSIK: Without objection, I'll receive  
7 it.

8 (The document referred to was  
9 marked for identification as  
10 Shurberg Exhibit 3, and was  
11 received in evidence.)

12 MR. COLE: Your Honor, I'd like to have marked for  
13 identification as Shurberg Exhibit Number 4, a document  
14 which is 11 pages in length. The first page is entitled,  
15 "Assignment, Assumption, Repurchase and Security Agreement".  
16 And on the eleventh page it bears the signatures of Fred J.  
17 Boling and Terry Planell.

18 I'd like to have that marked as Shurberg Exhibit  
19 Number 4.

20 JUDGE FRYSIK: It may be marked.

21 (The document referred to was  
22 marked for identification as  
23 Shurberg Exhibit 4.)

24 MR. COLE: Thank you, Your Honor. And this is  
25 also a document which I believe appears as -- in Joint

1 Exhibit Number 2, Appendix D. And it also relates to the  
2 acquisition of an interest in Astroline by Ms. Planell.

3 And on that basis, I would like to offer it into  
4 evidence.

5 MS. SCHMELTZER: No objection.

6 JUDGE FRYSIK: Received.

7 (The document referred to,  
8 having been previously marked  
9 for identification as Shurberg  
10 Exhibit 4, was received in  
11 evidence.)

12 MR. COLE: I would like to have marked next as  
13 Shurberg Exhibit Number 5, a one page document entitled,  
14 "Assignment and Assumption Agreement," and bearing the  
15 signatures at the bottom of Thomas A. Hart, Jr. and Fred J.  
16 Boling, Jr. Again, that would be Shurberg Exhibit Number 5.

17 JUDGE FRYSIK: It may be marked.

18 (The document referred to was  
19 marked for identification as  
20 Shurberg Exhibit 5.)

21 MR. COLE: Thank you, Your Honor. This, Your  
22 Honor, is -- appears, I believe, as Joint Exhibit Number 2,  
23 Appendix D. And it reflects or relates to the acquisition  
24 of an ownership interest in Astroline by Mr. Hart. And on  
25 that basis, I offer it into evidence.

1 MS. SCHMELTZER: No objection.

2 JUDGE FRYSIK: Received.

3 (The document referred to,  
4 having been previously marked  
5 for identification as Shurberg  
6 Exhibit 5, was received in  
7 evidence.)

8 MR. COLE: Thank you, Your Honor. Next, I would  
9 like to have marked for identification Shurberg Exhibit  
10 Number 6, which is a four-page document entitled on the  
11 first page, "Consent and Confirmation." And signed on the  
12 third page by a number of individuals including -- well, the  
13 number of individuals is Herbert Sostek, Martha Rose, Robert  
14 Rose, Thelma Gibbs, Don O'Brien, Terry Planell, Daniel Webb,  
15 Richard Ramirez, Fred Boling and Thomas Hart.

16 I'd like to have that marked as Shurberg Exhibit  
17 Number 6.

18 JUDGE FRYSIK: It may be marked.

19 (The document referred to was  
20 marked for identification as  
21 Shurberg Exhibit 6.)

22 MR. COLE: Thank you, Your Honor. This, Your  
23 Honor, is a document which relates to the ownership and  
24 structure of Astroline Communications Company Limited  
25 Partnership. I believe it appeared or was introduced in the

1 bankruptcy proceeding as Exhibit Number 51. And on that  
2 basis, I offer it into evidence.

3 MS. SCHMELTZER: No objection.

4 JUDGE FRYSIK: Received.

5 (The document referred to,  
6 having been previously marked  
7 for identification as Shurberg  
8 Exhibit 6, was received in  
9 evidence.)

10 MR. COLE: Thank you, Your Honor. Next, I would  
11 like to have marked for identification as Shurberg Exhibit  
12 Number 7, a three page document entitled, "First Certificate  
13 of Amendment to Astroline Communications Company Limited  
14 Partnership Agreement and Certification -- Certificate of  
15 Limited Partnership."

16 It's a three-page document. The second page bears  
17 signatures of Messrs. Sostek, Ms. Rose, Mr. Rose, Ms. Gibbs,  
18 Mr. O'Brien, Ms. Planell, Ms. Webb, Mr. Ramirez, Mr. Boling  
19 and Mr. Hart. And the third page consists of a table  
20 entitled, "Astroline Communications Company Limited  
21 Partnership Schedule A."

22 I'd like to have that marked as Shurberg Exhibit  
23 Number 7, please.

24 JUDGE FRYSIK: It may be marked.

25 (The document referred to was

1                                   marked for identification as  
2                                   Shurberg Exhibit 7.)

3                   MR. COLE:  And this was -- this is a document  
4                   which appears in Joint Exhibit 2, Appendix E, I believe.  
5                   And it obviously relates to the ownership and structure of  
6                   Astroline Communications Company.

7                   On that basis, I offer it into evidence.

8                   MS. SCHMELTZER:  No objection.

9                   JUDGE FRYSIK:  Received.

10                                   (The document referred to,  
11                                   having been previously marked  
12                                   for identification as Shurberg  
13                                   Exhibit 7, was received in  
14                                   evidence.)

15                   MR. COLE:  Your Honor, I would like to have marked  
16                   for identification as Shurberg Exhibit Number 8, a three-  
17                   page document consisting of a two-page letter dated December  
18                   30, 1985 over a signature block reflecting that it was  
19                   written by Carter S. Bacon, Jr.

20                                   It's on the letterhead of Peabody & Brown, a law  
21                                   firm in Boston.  The third page is a letter signed by Don  
22                                   O'Brien and addressed to WHCT Management, Inc., which is  
23                                   referred to in Mr. Bacon's letter.

24                                   I would like to have that marked -- the entire  
25                   document -- the three page document marked as Shurberg

1 Exhibit Number 8.

2 JUDGE FRYSIAK: It may be so marked.

3 (The document referred to was  
4 marked for identification as  
5 Shurberg Exhibit 8.)

6 MR. COLE: And this one document which we -- I do  
7 not believe is subject to the stipulation, and therefore I  
8 will not move it into evidence at this point.

9 Next, I would like to have marked as Shurberg  
10 Exhibit Number 9, a 46-page document entitled on the first  
11 page, "Astroline Communications Company Limited Partnership  
12 Amended and Restated Limited Partnership Agreement and  
13 Certificate."

14 That document itself extends a total of 39 pages.  
15 And it is followed by a seven-page document which is  
16 entitled, "Astroline Communications Company Limited  
17 Partnership First Amendment to Amended and Restated Limited  
18 Partnership Agreement and Certificate."

19 These, I believe, appear as a unit in Joint  
20 Exhibit Number 2, Appendix F. I believe they're two  
21 distinct documents. They bear separate dates. The first  
22 one is dated as of -- effective December 31, 1985. The  
23 second one is dated, I believe, November 21, 1988. But the  
24 document will speak for itself.

25 And I would like to have this entire document

Heritage Reporting Corporation  
(202) 628-4888

1 identified as Shurberg Exhibit Number 9.

2 JUDGE FRYSIAK: It may be so marked.

3 (The document referred to was  
4 marked for identification as  
5 Shurberg Exhibit 9.)

6 MR. COLE: Thank you. And again, this has been  
7 exchanged by the parties as Joint Exhibit 2, Appendix F. On  
8 that basis, I offer it into evidence.

9 MS. SCHMELTZER: No objection.

10 JUDGE FRYSIAK: Received.

11 (The document referred to,  
12 having been previously marked  
13 for identification as Shurberg  
14 Exhibit 9, was received in  
15 evidence.)

16 MR. COLE: Thank you, Your Honor. Next, I would  
17 like to have marked for identification as Shurberg Exhibit  
18 Number 10, a three-page document. The first page is a  
19 letter on the letterhead of Danielle Webb dated March 13,  
20 1986.

21 It's a letter from Ms. Webb to WHCT Management,  
22 Inc. It is accompanied by a one-page power of attorney  
23 executed by Ms. Webb or apparently executed by Ms. Webb and  
24 followed by a one-page affidavit by Alfred Rozanski.

25 I would like to have these identified as Shurberg



1 Exhibit Number 10.

2 JUDGE FRYSIAK: It may be so marked.

3 (The document referred to was  
4 marked for identification as  
5 Shurberg Exhibit 10.)

6 MR. COLE: And this again is a document which is  
7 not, I believe, subject to the stipulation, and therefore, I  
8 will withhold any offer at this time.

9 Next, I would like to have identified for the  
10 record as Shurberg Exhibit Number 11, a 20-page document  
11 entitled on the first page, "Assignment, Repurchase and  
12 Security Agreement" and signed on the eleventh page by Mr.  
13 Boling and Ms. Planell. And the pages 12 through 20 consist  
14 of various exhibits including a promissory note and an  
15 assignment and assumption agreement and an assignment  
16 agreement.

17 I would like to have that marked as Shurberg  
18 Exhibit Number 11.

19 JUDGE FRYSIAK: It may be marked.

20 (The document referred to was  
21 marked for identification as  
22 Shurberg Exhibit 11.)

23 MR. COLE: And again, I will withhold offering  
24 this into evidence for the time being, pending a witness.

25 Next, Your Honor, I would like to have marked for

1 identification Shurberg Exhibit Number 12, a one-page  
2 document entitled, "Assignment and Assumption Agreement,"  
3 bearing the signatures of Fred Boling on behalf of Astroline  
4 Company and Fred Boling on behalf of Astroline Company, Inc.

5 I'd like to have that marked as Shurberg Exhibit  
6 Number 12, please.

7 JUDGE FRYSIAK: It may be marked.

8 (The document referred to was  
9 marked for identification as  
10 Shurberg Exhibit 12.)

11 MR. COLE: This, I believe, is subject to the  
12 stipulation because it was introduced in the bankruptcy  
13 proceeding as Exhibit Number 52. It relates to ownership  
14 interest in Astroline or in -- in one of the Astroline  
15 parties. And on that basis, I offer it into evidence as  
16 Shurberg Exhibit Number 12.

17 MS. SCHMELTZER: No objection.

18 JUDGE FRYSIAK: Received.

19 (The document referred to,  
20 having been previously marked  
21 for identification as Shurberg  
22 Exhibit 12, was received in  
23 evidence.)

24 MR. COLE: Thank you, Your Honor. And I would  
25 request that Shurberg Exhibit Number 13 be marked for

1 identification. It's a one-page document entitled,  
2 "Assignment Agreement," executed by Terry Planell and  
3 Richard P. Ramirez. I would like that one marked as Exhibit  
4 -- Shurberg 13, please.

5 MS. SCHMELTZER: Mr. Cole, that is the same  
6 document as the last page of Shurberg Exhibit 11.

7 MR. COLE: Ah.

8 MS. SCHMELTZER: So, maybe you don't really need  
9 it.

10 MR. COLE: I'm perfectly happy to withdraw it  
11 then. And we will not mark 13, but I would like to leave 13  
12 -- the number 13 just as -- I don't want to have to juggle  
13 all my labels if I could avoid that.

14 JUDGE FRYSIK: All right.

15 MR. COLE: Thank you.

16 JUDGE FRYSIK: You're saying it's the same as  
17 what page?

18 MS. SCHMELTZER: It's the same as the last page of  
19 Shurberg Exhibit 11.

20 JUDGE FRYSIK: All right.

21 MR. COLE: Next, Your Honor, we're now in the blue  
22 notebooks, for anybody that's keeping count.

23 I'd like to have marked for identification a 21-  
24 page document which commences -- it actually is two separate  
25 documents. One is a cover page -- the cover is a three-page

1 letter dated May 29, 1984 signed by Mr. Hart on the  
2 letterhead of Collier, Shannon, Real & Scott. And it's  
3 accompanied by an agreement dated May 29, 1984 between Faith  
4 Center, Inc. and Astroline Communications Company Limited  
5 Partnership.

6 The letter is addressed to Your Honor. And I'd  
7 like to have that marked -- the entire package marked as  
8 Shurberg Exhibit Number 14.

9 JUDGE FRYSIK: It may be so marked.

10 (The document referred to was  
11 marked for identification as  
12 Shurberg Exhibit 14.)

13 MR. COLE: Thank you, Your Honor. This was the  
14 notification by Mr. Hart and Astroline to Your Honor back in  
15 May of '84 concerning the agreement between Astroline and  
16 Faith Center and includes the Astroline/Faith Center  
17 agreement. It is included as a bankruptcy exhibit that was  
18 Number 6 in the bankruptcy court, and it's also included as  
19 Joint Exhibit Number 2, Appendix A. And on that basis, I  
20 offer it into evidence as Shurberg Exhibit Number 14.

21 MS. SCHMELTZER: No objection.

22 JUDGE FRYSIK: Received.

23 (The document referred to,  
24 having previously been marked  
25 for identification as Shurberg

1                               Exhibit 14, was received in  
2                               evidence.)

3                   MR. COLE: Thank you, Your Honor. Next, Your  
4 Honor, I have a 68-page document which consists of a one-  
5 page cover letter from Mr. Hart addressed to Mr. Tricarico,  
6 the Secretary of the FCC as of June 28, 1984, the day of the  
7 letter. And it's accompanied by four items which are  
8 described in Mr. Hart's letter. That is, a motion for  
9 continuance, a motion for expedited processing, a petition  
10 for special relief and a transfer assignment application,  
11 FCC Form 314.

12                   I'd like to have the entire package identified as  
13 Shurberg Exhibit Number 15.

14                   JUDGE FRYSLAK: It may be so marked.

15                               (The document referred to was  
16                               marked for identification as  
17                               Shurberg Exhibit 15.)

18                   MR. COLE: Thank you, Your Honor. This also is a  
19 document which appears, I believe, as Joint Exhibit Number  
20 2, Appendix B. It is another submission by Astroline in the  
21 early stages of this saga. And on that basis, I offer it  
22 into evidence as Shurberg Exhibit 15.

23                   MS. SCHMELTZER: No objection. I would note that  
24 I think Mr. Cole may have one or two pages that we didn't  
25 have, because there are no official FCC records concerning

1     what documents were or were not filed with the FCC. So,  
2     this may actually be a little more complete than our joint  
3     exhibit, but we have no objection to it.

4             MR. COLE: Thank you, Your Honor.

5             JUDGE FRYSIAK: All right. Exhibit 15 is  
6     received.

7                             (The document referred to,  
8                             having been previously marked  
9                             for identification as Shurberg  
10                            Exhibit 15, was received in  
11                            evidence.)

12            MR. COLE: Thank you, Your Honor. Next, Your  
13     Honor, I would like to have marked for identification a 36-  
14     page document. I have this marked as Shurberg Exhibit  
15     Number 16. It is a one-page cover letter on the letterhead  
16     of Collier, Shannon, Real & Scott dated February 22, 1985.  
17     The letter is addressed to William J. Tricarico, the  
18     Secretary of the FCC. And it's over the signature block of  
19     Thomas Hart. And accompanying it, it transmits to the  
20     Commission of a limited partnership agreement and  
21     certificate of Astroline Communications Company Limited  
22     Partnership, by-laws of WHCT Management, Inc. and articles  
23     of organization of WHCT Management, Inc.

24            And I would like to have this package marked as  
25     Shurberg Exhibit Number 16.

1 JUDGE FRYSIK: It may be so marked.

2

3

4 (The document referred to was  
5 marked for identification as  
6 Shurberg Exhibit 16.)

7 MR. COLE: Thank you. And this is, I believe, the  
8 first ownership report, at least, that I have a record of,  
9 having been filed on behalf of Astroline with the FCC. And  
10 on that basis, I offer it into evidence.

11 MS. SCHMELTZER: No objection.

12 JUDGE FRYSIK: Exhibit 16 is received.

13 (The document referred to,  
14 having been previously marked  
15 for identification as Shurberg  
16 Exhibit 16, was received in  
17 evidence.)

18 MR. COLE: Thank you, Your Honor. I'd like to  
19 have marked for identification as Shurberg Exhibit Number  
20 17, a 13-page document consisting of a two-page letter on  
21 the letterhead of Baker & Hostetler dated May 16, 1985  
22 addressed to William Tricarico and signed by Mr. Hart  
23 transmitting to the FCC a -- an ownership report.

24 I would like to have the entire document  
25 identified as Shurberg Exhibit Number 17, please.

Heritage Reporting Corporation  
(202) 628-4888

1 JUDGE FRYSIAK: It may be so marked.

2

3

4

(The document referred to was  
marked for identification as  
Shurberg Exhibit 17.)

5

6

7

8

9

10

11

MR. COLE: Thank you. And this, I believe,  
appears -- and again, Ms. Schmeltzer will correct me if I've  
overdone it or underdone it. But I believe this appears as  
Joint Exhibit Number 2, Appendix D. And on that basis, I  
would offer it into evidence.

12

MS. SCHMELTZER: No objection.

13

JUDGE FRYSIAK: Received.

14

15

16

17

18

(The document referred to,  
having been previously marked  
for identification as Shurberg  
Exhibit 17, was received in  
evidence.)

19

20

21

22

23

24

25

MR. COLE: Thank you, Your Honor. Next, Your  
Honor, I would like to have marked for identification  
Shurberg Exhibit Number 18, which is a 30-page document,  
which is the brief of Intervenor, Astroline Communications  
Company Limited Partnership dated May 30, 1985 filed with  
the Court of Appeals in the Shurberg litigation. Case No.  
84 1600. That's the Court of Appeals for the D.C. Circuit.



1 I'd like to have that marked as Shurberg Exhibit  
2 Number 18.

3 JUDGE FRYSIAK: It may be marked.

4 (The document referred to was  
5 marked for identification as  
6 Shurberg Exhibit 18.)

7 MR. COLE: Thank you. I was -- this one will  
8 await Mr. Hart because I do not have a -- unless the parties  
9 are willing to stipulate this is the brief -- if they want  
10 to stipulate this is the Astroline brief, we're going to  
11 have to wait for Mr. Hart. But Mr. Hart had testified in  
12 his deposition that --

13 MS. SCHMELTZER: We will stipulate.

14 MR. COLE: Okay. Then on that basis, I move it  
15 into evidence at this point.

16 MS. SCHMELTZER: No objection.

17 JUDGE FRYSIAK: All right.

18 MR. COLE: Thank you, Your Honor.

19 JUDGE FRYSIAK: Number 18 is received.

20 (The document referred to,  
21 having been previously marked  
22 for identification as Shurberg  
23 Exhibit 18, was received in  
24 evidence.)

25 MR. COLE: Next, I'd like to have marked for

1 identification is Shurberg Exhibit 19, a 14-page document  
2 consisting of a one-page cover letter on the letterhead of  
3 Baker & Hostetler, dated September 13, 1985 and addressed to  
4 William Tricarico of the FCC, signed by Jack Whitley, and  
5 transmitting to the FCC a revised ownership report. And the  
6 remaining 13 pages of this exhibit consist of the revised  
7 ownership report.

8 And I'd like to have that marked as Shurberg  
9 Number 19.

10 JUDGE FRYSIK: It may be so marked.

11 (The document referred to was  
12 marked for identification as  
13 Shurberg Exhibit 19.)

14 MR. COLE: Thank you, Your Honor. This appeared  
15 in the bankruptcy proceeding as Exhibit Number 66, I  
16 believe. And it appears in Joint Exhibit Number 2, Appendix  
17 D. And on that basis, that is an ownership report  
18 apparently submitted to the Commission by Astroline. And I  
19 would, on that basis, offer it into evidence as Shurberg 19.

20 MS. SCHMELTZER: Your Honor, with respect to this  
21 exhibit; again, we do not know what was actually filed with  
22 the FCC because there are no official FCC files concerning  
23 this station. I would note that after the third page, we  
24 appear to have a document that was filed on May 29, 1985.  
25 And there's a reference to a BALCT number. So, I really

1 cannot tell whether the page is after the first three pages  
2 or filed on September 13 or not. One can't tell that from  
3 the document, and we don't have an official FCC copy.

4 MR. COLE: Well, Your Honor, let me just say that  
5 the document -- the fourth page -- that is, the page that  
6 Ms. Schmeltz says was filed with the Commission on May 29,  
7 I'm not sure that the document reflects it was filed on May  
8 29. The document -- the signature on the document bears a  
9 typed date of May 29, 1985. But again, I'm not sure whether  
10 it was filed on May 29.

11 MS. SCHMELTZER: We just don't know when it was  
12 filed.

13 MR. COLE: Right.

14 MS. SCHMELTZER: With that caveat, I don't have an  
15 objection.

16 MR. COLE: I'm willing to concede that it appears  
17 to have been filed. The puzzling document that we don't  
18 know about, the latter part of the ownership report, appears  
19 to have been filed because I will concede that the  
20 handwritten remarks or handwritten notations there sure look  
21 like standard FCC-type notations, although I can't one  
22 hundred percent confirm that. But with her caveat, I can  
23 certainly accept that.

24 JUDGE FRYSIK: All right. With that caveat, I'll  
25 receive Exhibit 19.

1

2

3

4

5

6

7

(The document referred to, having been previously marked for identification as Shurberg Exhibit 19, was received in evidence.)

8

9

10

11

12

13

14

15

16

17

MR. COLE: Thank you, Your Honor. Next, Your Honor, I would like to have marked for identification a document 43 pages in length which consists of a one-page cover letter on the letterhead of Baker & Hostetler, dated October 31, 1985, addressed to the Secretary of the FCC by Mr. Hart, and accompanied by a 42-page document which is an ownership report and additional contracts which are referenced in the ownership report.

I'd like to have that marked as Shurberg Exhibit

20, please.

18

19

20

21

JUDGE FRYSIK: It may be so marked.

(The document referred to was marked for identification as Shurberg Exhibit 20.)

22

23

24

25

MR. COLE: This is again an ownership report filed with the Commission by Astroline. It does have a "received" stamp on page 1. And it appears as Joint Exhibit Number 2, Appendix D.

1                   On that basis, I offer it into evidence.

2                   MS. SCHMELTZER: No objection.

3                   JUDGE FRYSIAK: Received.

4                                   (The document referred to,  
5                                   having been previously marked  
6                                   for identification as Shurberg  
7                                   Exhibit 20, was received in  
8                                   evidence.)

9                   MR. COLE: Next up, Your Honor, I'd like to have  
10                   marked for identification as Shurberg Exhibit Number 21, a  
11                   two-page document, which is a letter over the signature of  
12                   Mr. Hart on Baker & Hostetler stationery dated August 3,  
13                   1987 and addressed to the FCC.

14                   I'd like to have that marked as Shurberg Exhibit  
15                   Number 21.

16                   JUDGE FRYSIAK: It may be so marked.

17                                   (The document referred to was  
18                                   marked for identification as  
19                                   Shurberg Exhibit 21.)

20                   MR. COLE: Thank you, Your Honor. This also  
21                   appears as a bankruptcy exhibit. I believe it's 281 for  
22                   everyone's reference. And I believe it also is included as  
23                   Joint Exhibit 2, Appendix D.

24                   I will also state for the record that Ms.  
25                   Schmeltzer, I believe it was in Mr. Hart's deposition,

1 provided me with a further copy of this that has some  
2 additional ownership report materials attached to it or  
3 accompanying it. But my understanding was that she wasn't  
4 clear and I wasn't clear whether or not those -- the  
5 additional materials were, in fact, ever filed with the  
6 original of the letter. I believe the letter itself clearly  
7 bears the FCC's "received" stamp of August 3.

8 So, I'm reasonably comfortable that the letter  
9 itself was filed. I don't believe the letter reflects any  
10 attachments or enclosures or anything of the like. But I --  
11 in the interest of completeness and because Ms. Schmeltzer  
12 took the time to point that out to me, I point it out for  
13 the record. But I'm only offering these two pages because  
14 those are the ones I'm reasonably confident were filed.

15 MS. SCHMELTZER: That's correct, Your Honor.  
16 There were other copies of this document with additional  
17 materials -- ownership report materials attached. And we  
18 don't know which one was filed with the FCC because there  
19 are no official records. So, I have no objection with that  
20 clarification.

21 JUDGE FRYSIK: Received.

22 (The document referred to,  
23 having been previously marked  
24 for identification as Shurberg  
25 Exhibit 21, was received in

1 evidence.)

2 MR. COLE: Thank you, Your Honor. Next, Your  
3 Honor, I've marked this as an exhibit, or I would like to  
4 have this marked as an exhibit. I may not need to, but just  
5 as an exercise in caution I did. I'd like to have marked as  
6 an exhibit Shurberg Exhibit Number 22, an eight-page  
7 document which is the Joint Response to Discovery Requests  
8 from Shurberg Broadcasting of Hartford, which is the  
9 response of the joint parties to Shurberg's Request for  
10 Admissions. It goes back to, I guess, August of this past  
11 summer.

12 And I'm not sure we need it as an exhibit as  
13 opposed to just a document and a record we can rely on, but  
14 I thought I may as well be complete and throw it in. So,  
15 I'd like to have that marked as Exhibit Number -- Shurberg  
16 Exhibit 22.

17 JUDGE FRYSIK: It may be so marked.

18 (The document referred to was  
19 marked for identification as  
20 Shurberg Exhibit 22.)

21 MR. COLE: And I offer that into evidence, as  
22 well.

23 MS. SCHMELTZER: Your Honor, I would object  
24 because this document is largely incomprehensible without  
25 the pleadings that preceded it. And in addition, I did

1 bring to Mr. Cole's attention at Mr. Hart's deposition, that  
2 there was an ownership filing in -- that occurred at a later  
3 date which did reflect the restated and amended limited  
4 partnership agreement.

5 JUDGE FRYSIK: Well, I don't understand.

6 MS. SCHMELTZER: I think this -- you may want to  
7 put the request along with the response, or you may want to  
8 indicate what the questions were that we were responding to  
9 because you can't understand this without the questions.

10 MR. COLE: Oh, Your Honor, with all due respect,  
11 when they state the Respondents do not have in their  
12 possession or are not presently aware of any documents, et  
13 cetera, et cetera, I'm perfectly happy to put my request in  
14 if that's what they want, but I don't -- it seems to me on  
15 page 2 of this, indented paragraphs (a), (b), (c) and (d)  
16 are all pretty much stand-alone statements that don't really  
17 require any predicate. But --

18 MS. SCHMELTZER: I don't think Mr. Cole  
19 understands. There was a time period reflected in the  
20 request that is relevant to the answers.

21 MR. COLE: Okay.

22 JUDGE FRYSIK: I'll take official notice of the  
23 request. So, over objection, I'm receiving Exhibit 22.

24

25



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(The document referred to,  
having been previously marked  
for identification as Shurberg  
Exhibit 22, was received in  
evidence.)

MR. COLE: Thank you, Your Honor. Next, Your  
Honor, I'd like to have marked for identification as  
Shurberg Exhibit 23, a seven-page document consisting of --  
first page is a letter on the letterhead of Baker &  
Hostetler, dated November 22, 1988 addressed to Ms. Sursi,  
who was then the Secretary of the FCC by Linda R. Bocchi.  
And it is accompanied by a six-page -- six pages, which  
comprise an FCC Form 316 pro forma assignment application.

I'd like to have that marked -- the whole package  
as Shurberg Exhibit Number 23.

JUDGE FRYSIK: It may be so marked.

(The document referred to was  
marked for identification as  
Shurberg Exhibit 23.)

MR. COLE: Thank you, Your Honor. And this  
appears, I believe, as Joint Exhibit Number 2, Appendix B.  
It was also introduced, I believe, in the bankruptcy court  
as Exhibit Number 135.

1 On that basis, I offer it into evidence.

2 MS. SCHMELTZER: No objection.

3 JUDGE FRYSIK: Received.

4 (The document referred to,  
5 having been previously marked  
6 for identification as Shurberg  
7 Exhibit 23, was received in  
8 evidence.)

9 MR. COLE: Thank you, Your Honor. And next, I  
10 have a five-page document which I would like to have marked  
11 for identification as Shurberg Exhibit Number 24. It is a  
12 five-page document with a one-page cover letter dated  
13 December 19, 1988 from Ms. Bocchi addressed to the Secretary  
14 of the FCC. And it's accompanied by a four-page FCC Form  
15 316 pro forma assignment application.

16 I'd like to have that marked as Shurberg 24,  
17 please.

18 JUDGE FRYSIK: It may be so marked.

19 (The document referred to was  
20 marked for identification as  
21 Shurberg Exhibit 24.)

22 MR. COLE: This also appears as Joint Exhibit 2,  
23 Appendix B. And on that basis, I would like to have it -- I  
24 would like to offer it into evidence.

25 MS. SCHMELTZER: No objection.

1 JUDGE FRYSIAK: Received.

2

3 (The document referred to,  
4 having been previously marked  
5 for identification as Shurberg  
6 Exhibit 24, was received in  
7 evidence.)

8 MR. COLE: Thank you, Your Honor. The record may  
9 reflect we're out of the first two notebooks, and we're into  
10 the last one.

11 Your Honor, next up I would like to have marked  
12 for identification is Shurberg Exhibit Number 25. It's a  
13 document 12 pages in length which consists of the Form 1065,  
14 U.S. Partnership Return of Income for Astroline  
15 Communications Company. This was, I believe, introduced in  
16 the bankruptcy court as Exhibit Number 10 there. And on  
17 that -- well, first, I'd like to have it marked for  
18 identification as 25.

19 JUDGE FRYSIAK: It may be so marked.

20 (The document referred to was  
21 marked for identification as  
22 Shurberg Exhibit 25.)

23 MR. COLE: Thank you. And as I say, it was  
24 introduced in the bankruptcy proceeding as Exhibit Number  
25 10. On that basis, I offer it into evidence here.